UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 March 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4 and 6-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4 and 6-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _14 July 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _07/14/2005, 06/16/2006_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6, 9-11 and 14 use the phrase "operable to" which constitutes a use

limitation and thus renders the claims indefinite as to what structure is embraced by the

metes and bounds of the claim language.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

2.   **Claim 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.**

Patent Number 6,064,380 to Swenson et al. [hereinafter Swenson].

3.   Regarding claim 10, Swenson discloses an information management apparatus

[column 4, lines 65-all and column 5, lines 1-7, where the server supervises and

provides the content to the user], comprising:

management means for managing the provision of predetermined content to an

information processing apparatus via a network [column 4, lines 65-all and column 5,

lines 1-7, where the server supervises and provides the content to the user and the user

sends the position information to the server; column 1, lines 9-19, where the server

manages the content over the network]; and

storing means for storing a time stamp [column 5, lines 44-54, where the position may be determined in terms of time position] in association with predetermined identification information [column 1, lines 19-21, where the user needs to login before he or she can obtain access to the services provided by the server] in accordance with a request from the information processing apparatus [column 4, lines 65-all and column 5, lines 1-7, where the user requested for the storing of the position time stamp of the video or multimedia file; column 2, lines 62-all and column 3, line 1, where the request comes from an information processing apparatus], said time stamp representing a playing position of said content provided via said network [column 4, lines 62-all and column 5, lines 1-7; column 5, lines 46-51, where the playing position may be determined in terms of time position; column 1, lines 9-19, where the provision of the content and the playing position is via a network], wherein

said management means is operable to manage the provision of said content [column 4, lines 65-all and column 5, lines 1-7, where the server supervises and provides the content to the user and the user sends the position information to the server] from the playing position represented by said time stamp [column 4, lines 62-all and column 5, lines 1-7; column 5, lines 46-51, where the playing position may be determined in terms of time position] when the information processing apparatus [column 2, lines 62-all and column 3, line 1, where the request comes from an information processing apparatus] transmits said identification information [column 1, lines 19-21, where the user needs to login before he or she can obtain access to the services provided by the server and the computer transmits the identification

information] and requests that said content be played from the playing position

represented by said time stamp [column 2, lines 28-32, where the user requests to play

the video or multimedia file from the saved playing position; column 5, lines 46-51,

where the playing position may be determined in terms of time position].

4.   Regarding claim 11, Swenson discloses everything claimed as above (see claim

10), in addition Swenson discloses further comprising:

viewing status information storing means for storing viewing status information

representing a viewing status of said content [column 5, lines 44-51, where the time of

the position is stored representing the viewing status information of the content] in

accordance with a request from the information processing apparatus [column 4, lines

65-all and column 5, lines 1-7, where the user requested for the storing of the position

or the time stamp of the video or multimedia file; column 2, lines 62-all and column 3,

line 1, where the request comes from an information processing apparatus],

wherein said management means is operable to manage the provision of said

content [column 4, lines 65-all and column 5, lines 1-7, where the server supervises and

provides the content to the user and the user sends the position information to the

server] from the playing position represented by said time stamp [column 4, lines 62-all

and column 5, lines 1-7; column 5, lines 46-51, where the playing position may be

determined in terms of time position] when the viewing status of said content

represented by the viewing status information indicates that said content has not been

played to the end [column 1, lines 65-all and column 2, lines 1-11 and lines 24-31,

where the position is saved before the content gets to the end; column 5, lines 44-51,

where the time of the position is stored representing the viewing status information of the content].

5.   Regarding claim 12, Swenson discloses an information management method [column 4, lines 65-all and column 5, lines 1-7, where the server supervises and provides the content to the user and the user sends the position information to the server], comprising:

providing predetermined content to an information processing apparatus via a network [column 4, lines 65-all and column 5, lines 1-7, where the system supervises and provides the content that the user receives; column 1, lines 9-19, where the server sends the content over the network]; and

storing a time stamp [column 5, lines 44-46; column 5, lines 46-51 where the position may be determined in terms of time position] in association with predetermined identification information [column 1, lines 19-21, where the user needs to login before he or she can obtain access to the services provided by the server and therefore identify himself] in accordance with a request from the information processing apparatus [column 4, lines 65-all and column 5, lines 1-7, where the user requested for the storing of the position or the time stamp of the video or multimedia file; column 2, lines 62-all and column 3, line 1, where the request comes from an information processing apparatus], said time stamp representing a playing position of said content provided by said providing step [column 4, lines 62-all and column 5, lines 1-7; column 5, lines 46-51 where the playing position may be determined in terms of time position], wherein

said providing step provides said content [column 4, lines 65-all and column 5,

lines 1-7, where the server supervises and provides the content to the user and the user

sends the position information to the server] from the playing position represented by

said time stamp [column 4, lines 62-all and column 5, lines 1-7; column 5, lines 46-51,

where the playing position may be represented by time position] when the information

processing apparatus [column 2, lines 62-all and column 3, line 1] transmits said

identification information [column 1, lines 19-21, where the user needs to login before

he or she can obtain access to the services provided by the server and the computer

transmits the identification information] and requests that said content be played from

the playing position represented by said time stamp [column 2, lines 28-32, where the

user requests to play the video or multimedia file from the saved playing position;

column 5, lines 46-51, where the playing position may be determined in terms of time

position].

6.   Regarding claim 13, it is an inherent variation of claim 12, thus it is interpreted

and rejected for the same reasons set forth in rejection of claim 12.

7.   Regarding claim 14, Swenson discloses a system for managing information,

comprising:

a processor operable to execute instructions [column 2, lines 62-all and column

3, line 1; column 6, line 1-11, where the processor executes the instructions of the

invention]; and

instructions [column 6, line 1-11, where the program code has the instructions]

for carrying out an information management method [column 4, lines 65-all and column

5, lines 1-7, where the method of management of information is being performed], the

information management method including:

    providing predetermined content to an information processing apparatus via a

network [column 4, lines 65-all and column 5, lines 1-7, where the server supervises

and provides the content to the user and the user sends the position information to the

server; column 1, lines 9-19, where the server is provides the content over the network];

and

    storing a time stamp [column 5, lines 44-51, where the position may be

determined in terms of time position] in association with predetermined identification

information [column 1, lines 19-21, where the user needs to login before he or she can

obtain access to the services provided by the server] in accordance with a request from

the information processing apparatus [column 4, lines 65-all and column 5, lines 1-7,

where the user requested for the storing of the position or the time stamp of the video or

multimedia file, column 2, lines 62-all and column 3, line 1, where the request comes

from an information processing apparatus], said time stamp representing a playing

position of said content provided by said providing step [column 4, lines 62-all and

column 5, lines 1-7; column 5, lines 46-51, where the playing position may be

determined in terms of time position], wherein

    said providing step provides said content [column 4, lines 65-all and column 5,

lines 1-7, where the server supervises and provides the content to the user to play] from

the playing position represented by said time stamp [column 4, lines 62-all and column

5, lines 1-7; column 5, lines 46-51, where the playing position may be determined in

terms of time position] when the information processing apparatus [column 2, lines 62-all and column 3, line 1] transmits said identification information [column 1, lines 19-21, where the user needs to login before he or she can obtain access to the services provided by the server and the computer transmits the identification information] and requests that said content be played from the playing position represented by said time stamp [column 2, lines 28-32, where the user requests to play the video or multimedia file from the saved playing position; column 5, lines 46-51, where the playing position may be determined in terms of time position].

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   **Claim 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swenson.**

10.   Regarding claim 1, Swenson discloses a communications system, comprising:

an information processing apparatus [column 2, lines 62-all and column 3, line 1]; and

an information management apparatus [column 4, lines 65-all and column 5, lines 1-7, where the server manages the content provided to the user] operable to manage playing positions of contents [column 4, lines 62-all and column 5, lines 1-7; column 5, lines 46-51, where the playing position may be

determined in terms of time position; [column 2, lines 28-32], where the system

manages where the user would like to play the video or multimedia file the next

time the access the file];

said information processing apparatus [column 2, lines 62-all and column 3, line

1] including:

        playing means for playing content provided via a network [column 2, lines

28-32];

        first request means for requesting [column 4, lines 65-all and column 5,

lines 1-7, where the user requested for the storing of the position or the time

stamp of the video or multimedia file] that said information management

apparatus [column 4, lines 65-all and column 5, lines 1-7, where the server

manages the content provided to the user] store a time stamp [column 5, lines

44-46; column 5, lines 46-51, where the position may be determined in terms of

time position] in association with predetermined identification information [column

1, lines 19-21, where the user needs to login before he or she can obtain access

to the services provided by the server], while said content is played by said

playing means, in response to an instruction that said time stamp representing a

playing position of said content at that moment be stored [column 4, lines 62-all

and column 5, lines 1-7, where while the content is being played the user

requests for the content to be paused to continue at a later time and column 5,

lines 46-51, where the playing position may be determined in terms of time

position]; and

second request means for transmitting said identification information [column 1, lines 19-21, where the user needs to login before he or she can obtain access to the services provided by the server and the computer transmits the identification information] to said information management apparatus [column 4, lines 65-all and column 5, lines 1-7, where the server manages the content provided to the user] and for requesting the playing of said content from said playing position represented by said time stamp [column 2, lines 28-32, where the user requests to play the video or multimedia file from the saved playing position; column 5, lines 46-51, where the playing position may be determined in terms of time position], wherein

said identification information includes information allotted to each user [column 1, lines 19-21, where the user needs to login before he or she can obtain access to the services provided by the server; and the server will have the identification information of the user in order for them to login], and

said playing means is operable to play said content from said playing position represented by said time stamp in accordance with the request by said second request means [column 2, lines 28-32, where the user requests to play the video or multimedia file from the saved playing position; column 5, lines 46-51, where the playing position may be determined in terms of time position]; and

said information management apparatus [column 4, lines 65-all and column 5, lines 1-7, where the server manages the content provided to the user] including:

management means for managing the provision of said content to said

information processing apparatus via said network [column 4, lines 65-all and

column 5, lines 1-7, where the server supervises and provides the content to the

user; column 1, lines 9-19, where the server manages the content over the

network]; and

storing means for storing said time stamp [column 5, lines 44-46, column

5, lines 46-51, where the position may be determined in terms of time position] in

association with said identification information [column 1, lines 19-21, where the

user needs to login before he or she can obtain access to the services provided

by the server], wherein

said management means is operable to manage the provision of said

content [column 4, lines 65-all and column 5, lines 1-7, where the server

supervises and provides the content to the user] from said playing position

represented by said time stamp [column 4, lines 62-all and column 5, lines 1-7;

column 5, lines 46-51, where the playing position may be determined in terms of

time position] when said information processing apparatus [column 2, lines 62-all

and column 3, line 1, where the request comes from an information processing

apparatus] transmits said identification information [column 1, lines 19-21, where

the user needs to login before he or she can obtain access to the services

provided by the server and the computer transmits the identification information]

and requests the playing of said content from said playing position represented

by said time stamp [column 2, lines 28-32, where the user requests to play the

video or multimedia file from the saved playing position; column 5, lines 46-51,

where the playing position may be determined in terms of time position].

However, Swenson fails to disclose wherein information allotted to each user group.

However, the examiner maintains that was well known in the art at the time the

invention was made to have information allotted to each user group for the purpose of

having all the user of the group access the same video or multimedia file and the same

time stamp playing positions.

11.   Regarding claim 2, it is an inherent variation of claim 1, thus it is interpreted and

rejected for the same reasons set forth in rejection of claim 1.

12.   Regarding claim 3, it is an inherent variation of claim 1, thus it is interpreted and

rejected for the same reasons set forth in rejection of claim 1.

13.   Regarding claim 4, Swenson discloses everything claimed as above (see claim

3), in addition Swenson discloses wherein:

        said first request means is operable to request that the information management

apparatus stop the provision of said content and store said time stamp upon issuance of

an instruction to stop the playing of said content [column 4, 65- all and column 5, lines

1-7, where the user requests to stop the content being played; column 5, lines 44-54,

where a time stamp gets stored].

14.   Claim 5 (cancelled)

15.   Regarding claim 6, Swenson discloses everything claimed as above (see claim

3), in addition Swenson discloses, further comprising:

third request means for requesting that a viewing status information management

apparatus [column 4, lines 65-all and column 5, lines 1-7, where the user requested for

the storing of the position or the time stamp of the video or multimedia file; column 2,

lines 62-all and column 3, line 1, where the request comes from an information

processing apparatus] that manages viewing status information store viewing status

information representing a viewing status of said content [column 5, lines 44-51, where

the time of the position is stored representing the viewing status information of the

content],

wherein said second request means is operable to request the playing of said

content from said playing position represented by said time stamp in accordance with

said viewing status of said content represented by said viewing status information

[column 2, lines 28-32, where the user requests to play the video or multimedia file from

the saved playing position; column 5, lines 46-51, where the playing position may be

determined in terms of time position and the time is part of the viewing status

information].

16.   Regarding claim 7, it is an inherent variation of claim 1, thus it is interpreted and

rejected for the same reasons set forth in rejection of claim 1.

17.   Regarding claim 8, it is an inherent variation of claim 1, thus it is interpreted and

rejected for the same reasons set forth in rejection of claim 1.

18.   Regarding claim 9, Swenson discloses a system for processing information,

comprising:

a processor operable to execute instructions [column 2, lines 62-all and column 3, line 1; and column 6, line 1-11, where the processor executes the instructions of the invention]; and

instructions [column 6, line 1-11, where the program code has the instructions] for carrying out an information processing method [column 4, lines 65-all and column 5, lines 1-7, where the server supervises and provides the content to the user], the information processing method including:

playing content provided via a network [column 2, lines 28-32];

requesting [column 4, lines 65-all and column 5, lines 1-7, where the user requested for the storing of the position or the time stamp of the video or multimedia file] that an information management apparatus [column 4, lines 65-all and column 5, lines 1-7, where the server manages the content provided to the user] which manages playing positions of contents [column 4, lines 62-all and column 5, lines 1-7, where the server supervises and provides the content to the user; column 5, lines 46-51, where the playing position may be determined in terms of time position] store a time stamp [column 5, lines 44-46; column 5, lines 46-51,where the position may be determined in terms of time position] in association with predetermined identification information [column 1, lines 19-21, where the user needs to login before he or she can obtain access to the services provided by the server] during said playing step in response to an instruction to store said time stamp representing a playing position of said content at that moment [column 4, lines 62-all and column 5, lines 1-7, where while the content is being played the user requests for the content to be paused to continue at a later time;

[column 5, lines 46-51], where the playing position may be determined in terms of time

position]; and

transmitting said identification information [column 1, lines 19-21, where the user

needs to login before he or she can obtain access to the services provided by the server

and the computer transmits the identification information] to the information

management apparatus [column 4, lines 65-all and column 5, lines 1-7, where the

server manages the content provided to the user] and requesting the playing of said

content from said playing position represented by said time stamp [column 2, lines 28-

32, where the user requests to play the video or multimedia file from the saved playing

position; column 5, lines 46-51, where the playing position may be determined in terms

of time position], said identification information including information allotted to each

user [column 1, lines 19-21, where the user needs to login before he or she can obtain

access to the services provided by the server; and the server will have the identification

information of the user in order for them to login], and the playing step plays said

content from said playing position represented by said time stamp in accordance with

said step of requesting the playing [column 2, lines 28-32, where the user requests to

play the video or multimedia file from the saved playing position; column 5, lines 46-51,

where the playing position may be determined in terms of time position].

However, Swenson fails to disclose wherein information allotted to each user group.

However, the examiner maintains that was well known in the art at the time the

invention was made to have information allotted to each user group for the purpose of

having all the user of the group access the same video or multimedia file and the same

time stamp playing positions.

Conclusion

2.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

DVR SYSTEM, Pub. NO. 2002/0040475 A1 to Yap et al.. This invention relates

to audio and video devices, more specifically to video on demand equipment and

services. This prior art is made of record because it contains the subject matter

of the current application.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to YANET RODRIGUEZ whose telephone number is

(571)270-7257. The examiner can normally be reached on 8:00AM - 4:00 PM Monday-

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jefferey Harold can be reached on 5712727519. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YANET RODRIGUEZ/
Examiner, Art Unit 4112
/Jefferey F Harold/
Supervisory Patent Examiner, Art Unit 4112